

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 33-58 are currently pending. Claims 33, 41, 47, and 53 have been amended by the present Amendment. No new matter has been added.

Office Action Summary

Claims 33-58 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite; Claims 41-58 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,798,740 to Bitzakidis (hereafter “Bitzakidis”); and Claims 33-36 and 38-40 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Publication No. 2005/0275668 to Feng (hereafter “Feng”).

Indefiniteness Rejection of Claims 33-58

Applicants respectfully traverse the rejection of Claims 33-58 under 35 U.S.C. § 112, second paragraph, as indefinite. To further prosecution, independent Claims 33, 41, 47, and 53 have been amended to address issues raised by the outstanding Office Action.

The outstanding Office Action indicated that the term “certain vertical direction” recited in Claim 33 is indefinite because vertical and horizontal are not defined in the claim. Claims 34-40 were rejected due to their direct or indirect dependency from Claim 33. Claim 33 has been amended to recite “*a first direction*” instead of “certain vertical direction.” Accordingly, Applicants respectfully submit that Claim 33 (and all associated dependent claims) are definite, and request that the rejection of Claims 33-40 under 35 U.S.C. § 112, second paragraph, be withdrawn.

With respect to independent Claims 41, 47, and 53, Applicants respectfully submit that the term “ ΔE ” is well known term of art in the colorimetric art.¹ Further, the meaning of “ $\Delta E=6.5$ or less” is readily understandable from Applicants’ Figure 11. However, to further prosecution independent Claims 41, 47, and 53 have been amended to recite

correcting the display signal to be input to the picture element electrode and outputting a corrected display signal, wherein the corrected display signal is input to the picture element electrode and produces a corrected luminance from the picture element, the corrected luminance resulting in a perceived color having a color difference ΔE less than or equal to 6.5 as compared to a perceived color resulting from luminance produced from the picture element when the display signal is input into the picture element electrode.

This amendment of Claims 41, 47, and 53 also addresses the issue with regard to alleged contradiction with dependent Claims 42, 44, 46, 48, 50, 52, 54, 56, and 58. Accordingly, Applicants respectfully submit that amended Claims 41, 47, and 53 (and all associated dependent claims) are definite, and request that the rejection of Claims 41-58 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejection of Claims 41-58 under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of Claims 41-58 under 35 U.S.C. § 102(b). Independent Claims 41, 47, and 53 have been amended for purposes of clarity only. Amended independent Claims 41, 47, and 53 recite, *inter alia*,

correcting the display signal to be input to the picture element electrode and outputting a corrected display signal, wherein the corrected display signal is input to the picture element electrode and produces a corrected luminance from the picture element, the corrected luminance resulting in a perceived color having a color difference ΔE less than or equal to 6.5 as compared to a perceived color resulting from luminance produced from the picture element when the display signal is input into the picture element electrode.

¹ See http://www.newsandtech.com/issues/2005/06-05/pt/06-05_nate.htm; See also CHROMiX ColorNews Issue 17 on Feb 18, 2005 (<http://www2.chromix.com/ColorNews/index.cxxa>).

The outstanding Office Action relied on Bitzakidis to reject Claims 41-58, specifically citing only the abstract and Claim 1 of Bitzakidis. The abstract of Bitzakidis describes adjusting a data signal intended for a picture element to compensate effects of a vertical cross-talk due to capacitive coupling effects, but is silent regarding *a perceived color resulting from a corrected luminance*, much less *corrected luminance resulting in a perceived color having a color difference ΔE less than or equal to 6.5 as compared to a perceived color resulting from an uncorrected signal*, as recited in Claims 41, 47, and 53. Likewise, Claim 1 of Bitzakidis is silent regarding the features recited in Claims 41, 47, and 53.

Therefore, Applicants respectfully submit that Claims 41, 47, and 53 (and all associated dependent claims) patentably define over Bitzakidis, and request that the rejection of Claims 41-58 under 35 U.S.C. § 102(b) be withdrawn.

Rejection of Claims 33-36 and 38-40 under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of Claims 33-36 and 38-40 under 35 U.S.C. § 102(e). The outstanding Office Action rejected Claims 33-36 and 38-40 over Feng, which was filed on June 14, 2004, and published on December 15, 2005. The present application is a PCT application filed on May 9, 2005, which entered the national stage on September 22, 2006, and claims foreign priority to Japanese applications:

JP 2004-143006 filed on May 13, 2004;

JP 2004-172049 filed on June 10, 2004; and

JP 2005-132118 filed on April 28, 2005.

It is respectfully noted that the publication date of Feng, December 15, 2005, is after the PCT filing date of the present application, May 9, 2005. Therefore, Feng is not prior art with respect to the present application under 35 U.S.C. §§ 102(a) and 102(b).

In accordance with 37 C.F.R. §1.55(a)(4), enclosed please find an English translation of the certified copy of JP 2004-143006, JP 2004-172049, and JP 2005-132118, along with a statement for each translation that the translation is accurate. It is respectfully submitted that the enclosed documents perfect the claim to priority of the present application to the above-identified Japanese applications under 35 U.S.C. § 119.

Further, it is submitted that at least Claims 33-36 and 38-40 are fully supported by at least Japanese Patent Application No. 2004-172049, and thus the enclosed documents perfect the claim to priority of at least Claims 33-36 and 38-40 to Japanese Patent Application No. 2004-172049 under 35 U.S.C. § 119. The filing date of Japanese Patent Application No. 2004-172049, June 10, 2004, antedates the filing date of June 14, 2004, of Feng. Therefore, it is respectfully submitted that Feng does not qualify as prior art with respect to Claims 33-36 and 38-40 under 35 U.S.C. § 102(e).

Accordingly, Applicants respectfully request that the rejection of Claims 33-36 and 38-40 under 35 U.S.C. § 102(e) be withdrawn.

Finally, since Applicants have not **substantively** amended Claims 33-40 in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication **cannot properly be considered a Final Office Action**. Further, Applicants note that Claim 37 was not rejected over any art in the outstanding Office Action.

Accordingly, Claim 37 is believed to be allowable, and any new rejection of Claim 37 based on art references cannot properly be considered final.

Conclusion

In view of the above Amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact George Dolina, Reg. No. 63,654 at the phone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: July 30, 2009

Respectfully submitted,

By 

Michael R. Cammarata

Registration No.: 39,491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicants